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12/29/2005

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| EXAMINER |
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SRIVASTAVA, VIVEK

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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/730,519 | HARRISON ET AL. | |
| | Examiner | Art Unit | |
| | Vivek Srivastava | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

With regards to claim 1, Applicant argues Gaughan fails to disclose or suggest an appliance having the capability, when the appliance is switched out of an Internet mode and then back into the mode, of returning to a web page displayed when the appliance was switched out of the Internet mode. Applicant further argues Gaughan does not switch out of an Internet mode when using picture in picture.

The Examiner respectfully disagrees, and that the claim as recited, is anticipated by Gaughan. As accurately understood by Applicants, Gaughan discloses a web TV which provides a user with PIP capability enabling displaying of both Television content and Internet web page content simultaneously. One content, be it television or Internet, is displayed on main portion of the screen, and the second content, be it television or Internet is displayed on the PIP portion. A user has the ability to switch display of content between the main portion and PIP portion. The Examiner associated the television mode as television content on the main portion and internet portion on the minor PIP portion and a Internet mode as Internet on the main portion and television content in the minor PIP portion. The Examiner respectfully submits that claim 1, as recited, does not preclude both modes from being displayed at the same time. In other words, the two modes are not mutually exclusive in that they cannot co-exist with one another. It is clear that when television content is displayed on the main majority portion of the screen, the user is more interested and is engaged in a television mode of operation as apposed to an Internet mode,

in which Internet content would be displayed in the main majority portion of the screen and the television content would occupy a minor portion of the screen. As a result, Applicant's arguments are not convincing.

With regards to claim 4, Applicant's request that the Examiner provide evidentiary support to the official notice taken.

As per Applicant's request, the Examiner has provided a reference in support of the Official Notice taken. Please see the rejection below.

With Regards to claim 19, Applicant argues Gaughan in view of Kitao fails to disclose or suggest an appliance that has the capability of coming on in an Internet mode if, when the appliance is off, a user activates the Internet mode control.

The Examiner concurs. Please find a new grounds for rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaughan et al. (US Patent # 6,097,383).

Regarding claim 1, Gaughan discloses a web television (column 3, lines 54-55).

Gaughan discloses the web television can communicate with the Internet (column 4, lines 33 - 43) which meets the limitation on an appliance that only has an Internet mode of operation and a TV mode of operation.

Gaughan discloses the Internet module can execute a web browser (column 9, lines 12 - 25). Gaughan discloses the web television can communicate with on-line content providers such as by way of Internet (column 3, line 64 - column 4, line 6); when the Internet module executes a web browser, it inherently initially starts connecting to a home page, which meets the limitation on the appliance having the capability of connecting the appliance to the Internet and concomitantly displaying a worldwide web home page.

Gaughan discloses the input device can be a keyboard, remote control, trackball, etc. (column 3, lines 54 - 63). Gaughan discloses the Internet module can execute a web browser (column 9, lines 12-25); the user can go to another web page by typing in a different address related/unrelated to the home page or by clicking on the links (if they exist) of a home page, which meets the limitation on the appliance also having the capability of bringing up and displaying pages which are directly or indirectly linked to the home page.

Gaughan discloses the television video is displayed in the main display (TV mode) of the web television 10 and the Internet video is displayed in a PIP area in the display 12 (column 4, line 44 - column 5, line 2). Gaughan discloses a swap may occur between the Internet video and television video between the PIP area and the main area (column 5, lines 2-9); thus the user can

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control the system to have TV video in the main area (TV mode) being switched with the Internet video so that the TV video is in the PIP area and the Internet video is in the main area (Internet mode), then subsequently return to the original display of TV video in the main area and Internet video in the PIP area, which meets the limitation on the appliance further having the capability, when the appliance is switched out of its Internet mode and then back into the mode, of returning to a web page displayed when the appliance was switched out of the Internet mode.

Regarding claim 2, Gaughan discloses the Internet module can execute a web browser (column 9, lines 12-25). Gaughan discloses the television video is displayed in the main display (TV mode) of the web television 10 and the Internet video is displayed in a PIP area in the display 12 (column 4, line 44-column 5, line 2). Gaughan discloses a swap may occur between the Internet video and television video between the PIP area and the main area (column 5, lines 2-9); thus the user can control the system to have TV video in the main area (TV mode) being switched with the Internet video so that the TV video is in the PIP area and the Internet video is in the main area (Internet mode), then subsequently return to the original display of TV video in the main area and Internet video in the PIP area. The user can then type in the address in the web browser for the home page if the web page is not displayed when the last switch occurs, which meets the limitation on the capability, selectable by a user of the appliance, of returning to the worldwide web home page when the appliance is switched from the TV mode to the Internet mode.

Regarding claim 3, Ghaughan discloses the television video is displayed in the main display (TV mode) of the web television 10 and the Internet video is displayed in a PIP area in the display 12 (column 4, line 44 - column 5, line 2). Gaughan discloses a swap may occur

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between the Internet video and television video between the PIP area and the main area (column 5, lines 2-9); thus the user can control the system to have TV video in the main area (TV mode) being switched with the Internet video so that the TV video is in the PIP area and the Internet video is in the main area (Internet mode), then subsequently return to the original display of TV video in the main area and Internet video in the PIP area if switched out of TV mode and then back to the TV mode, will return to the channel which was active when the appliance was switched out of the TV mode.

Regarding claim 17, Gaughan discloses the video display driver 40, and audio speaker driver 42 (column 4, lines 44-55). Gaughan discloses the Internet module 34 operatively connected to the video display driver 40 and audio speaker driver 42 (column 4, lines 44-66). Gaughan discloses the television controller 48 operatively connected to the video display driver 40 and audio speaker driver 42 (column 4, lines 44-66).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 – 8 and 11 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan et al. (US Patent # 6,097,383) in view of Goodman et al (US 6,100,875), Pieper et al (US 5,371,851) and Anderson (US 2001/0005199).

Regarding claim 4, any redundant claim limitations have been addressed in claim 1. Gaughan discloses the input device is an infrared remote control device (column 3, lines 54-63), which meets the additional limitation of an input device for transmitting data to the integrated unit by signals in a selected part of the electromagnetic spectrum.

Gaughan fails to disclose wherein the input device has the following controls: BACK and NEXT controls for moving backwards and forwards through Internet web pages.

In analogous art, Anderson teaches an Internet keyboard which has back and next controls (see para. [0026]). It would have been obvious modifying Gaughan to include the claimed BACK and NEXT controls would have provided an easier and more convenient means for navigating through web pages. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gaughan to include the claimed BACK and NEXT controls to provide a user with an easier and more convenient means for navigating through web pages.

The combination of Gaughan and Anderson fails to disclose a set of LEFT, RIGHT, UP and DOWN scroll controls for moving a page relative to screen component of the appliance.

In analogous art, Pieper teaches page up, page down, page right and page left keys enable screen scrolling or panning (see col. 23 lines 30 – 38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Gaughan and Anderson to include the claimed limitation for the benefit of

providing a user with the ability to scroll or pan by moving a page relative to the screen component.

The combination of Gaughan, Anderson and Pieper fails to disclose a second, separate set of LEFT, RIGHT, UP and DOWN buttons for moving a cursor about the screen component of the appliance and a GO control used to bring up a web page indicated by the cursor.

In analogous art, Goodman teaches a system for operating a cursor without the use of mouse by utilizing keys. Goodman teaches a separate set of keys for navigating a page up and page down (see fig. 1a) and keys for positioning a cursor (see col. 4 lines 4 – 15, Abstract). Goodman further teaches operation of z and x keys may be interpreted to emulate the left and right buttons on a two-button mouse which are used inherently used for selecting (or a GO key) after moving the cursor (see col. 4 lines 29 – 35). Goodman is evidence that two separate sets of keys are beneficial with respect to navigating a page. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Gaughan, Anderson and Pieper, based on the teaching of Goodman to include a second separate set of keys for moving a cursor and GO button to enable a more convenient and better means for navigating a cursor and web pages on the Internet.

Regarding claims 5-6, Gaughan discloses the input device is an infrared remote control device (column 3, lines 54-63), which meets the limitation on the input device generating and transmitting signals in the infrared portion of the electromagnetic spectrum and the input device is a remote control.

Regarding claim 7, Gaughan discloses the input device can be a keyboard (column 3, lines 54-63).

Regarding claim 8, Gaughan discloses the input device can be a remote control (column 3, lines 54-63). Gaughan discloses the television video is displayed in the main display (TV mode) of the web television 10 and the Internet video is displayed in a PIP area in the display 12 and the displays may swap in response from the appropriate command from the remote control device 20 (column 4, line 44 - column 5, line 2), which meets the limitation on the input device has exactly two mode selection controls, the controls being a TV control and an Internet control.

Regarding claims 11 and 12, Gaughan fails to disclose a stop control operable with the appliance in its INTERNET mode of operation to terminate the downloading of an Internet file and a pause control operable with the appliance in its INTERNET mode of operation to first stop the downloading of a web file and to then cause the downloading of the file to continue from the point where it was stopped.

Official Notice is taken it would have been well known to pause and stop or pause the downloading of the Internet page to provide a user with an option of stopping a download or to pause the download for time convenient for a user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Gaugher, Anderson, Pieper and Goodman to include the claimed limitation of stopping or pausing a download to provider a user with an option and more control with respect to downloading.

Regarding claims 13-14, Gaughan discloses the remote control transmits alpha and/or numeric characters to the web television (column 8, lines 18-39), which meets the limitations on the input device hits a numerical keypad and a keyboard with keys corresponding to the letters of the alphabet.

Regarding claim 15, Gaughan discloses the web television includes a display 12 (such as a CRT) that is housed in a cabinet (column 3, lines 54-55), which meets the limitation on the integrated unit is of the stand alone type and is constructed to sit on a horizontal surface.

Regarding claim 16, Gaughan discloses the web television includes a display 12 (such as a CRT) that is housed in a cabinet (column 3, lines 54-55), and therefore has the capability of being mounted to an overhead structure as in hospitals and/or hotels, which meets the limitation on the integrated unit has the capability of being mounted to all overhead structure.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan et al. (US Patent # 6,097,383).

Regarding claim 18, Gaughan discloses the Internet module 34 uses Ethernet and phone line. Gaughan discloses the controller is a cable and antenna (column 3, line 65-column 4, line 6), which meets the limitation on cable or antenna. Gaughan fails to disclose USB.

The examiner takes Official Notice that Internet using USB is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gaughan to have an Internet controller use USB in order to connect a readily available communication standard.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan et al. (US Patent # 6,097,383) in view of Goodman et al (US 6,100,875), Pieper et al (US 5,371,851) and Anderson (US 2001/0005199) as applied to claim 4 above, and further in view of Pint (US Patent # 5,436,676).

Regarding claim 10, Gaughan discloses TV mode (TV in main area, Internet in PIP) and Internet mode (Internet in main area and TV in PIP) as disclosed in claim 1 rejection.

Gaughan fails to disclose the input device has an options menu displayed being usable in both the TV and Internet modes of operation of the appliance. Pint discloses the program guide is activated when button 47 is pressed (column 3, lines 40-49). Pint discloses the on screen program guide superimposed over most of the regular programming display (column 3, lines 30 - 39), the combination of which meets the limitation on the input device has an options menu displayed being usable in both the TV and Internet modes of operation of the appliance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gaughan to have the input device has an options menu displayed being usable in both the TV and Internet modes of operation of the appliance as taught by Pint in order to let the user know what programming is on other channels without having to switch channels.

Claims 19 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan in view of Sakuma et al (US 5,416,508)

Regarding claim 19, Gaughan discloses a web television (column 3, lines 54 -55). Gaughan discloses the web television can communicate with the Internet (column 4, lines 33 - 43). Gaughan discloses turning the webtv off (column 10, lines 49-56). Gaughan discloses the event is a user instruction to turn on the webtv, a message will be sent to tuner 48 to begin displaying video and audio on the webtv (column 10, lines 33-48), which meets the limitation on an appliance which can be turned on and of and has an Internet mode of operation and that the user can activate the Internet mode.

Gaughan fails to disclose the appliance coming on in a the Internet mode if when the appliance is off, a user activates the Internet mode control.

In analogous art, Sakuma teaches a television system which has two modes of operation upon power-on. Sakuma discloses “....upon **power-on** of the TV receiver 3, the CPU 25 judges whether the automatic tuning function has been set (step S50). If the judgment is negative, the CPU 25 cancels the automatic tuning function, and makes the TV receiver 3 display a message to ask the viewer whether he wants to watch a chargeable program on the original channel (step s61). If the judgment in step s50 is affirmative, the CPU 25 reads the movie title, viewing period and viewing channel number from the RAM (not shown) of the memory 26, makes the TV receiver 3 display a picture shown in fig. 15....” (see col. 9 lines 38 – 55). Sakuma is evidence turning power on into one of two modes of operation i.e. a displaying a message mode and auto-tuning mode would have been well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gaughan based on the teachings of Sakuma to include turning on an appliance to an Internet mode of operation for the benefit of providing a user with a direct access to a mode of operation resulting in time savings to get to the desired mode.

Regarding claim 20, Gaughan discloses tuning the webtv off (column 10, lines 49-56). Gaughan discloses the event is a user instruction to turn on the webtv, a message will be sent to tuner 48 to begin displaying video and audio on the webtv (column 10, lines 33-48), which meets the limitation on a TV mode of operation and an ON-OFF control and wherein, if a user activates the ON-OFF control when the appliance is off, the appliance will come on in TV mode.

Regarding claim 21, Gaughan discloses a web television (column 3, lines 54-55).

Gaughan discloses the web television can communicate with the Internet (column 4, lines 33 - 43). Gaughan discloses turning the webtv off (column 10, lines 49-56). Gaughan discloses the event is a user instruction to turn on the webtv, a message will be sent to tuner 48 to begin displaying video and audio on the webtv (column 10, lines 33-48), which meets the limitation on an appliance which can be turned on and off and has an TV mode of operation.

Gaughan fails to disclose if a user activates the TV control when the appliance is off, the appliance will come on in its TV mode of operation.

In analogous art, Sakuma teaches a television system which has two modes of operation upon power-on. Sakuma discloses “....upon **power-on** of the TV receiver 3, the CPU 25 judges whether the automatic tuning function has been set (step S50). If the judgment is negative, the CPU 25 cancels the automatic tuning function, and makes the TV receiver 3 display a message to ask the viewer whether he wants to watch a chargeable program on the original channel (step s61). If the judgment in step s50 is affirmative, the CPU 25 reads the movie title, viewing period and viewing channel number from the RAM (not shown) of the memory 26, makes the TV receiver 3 display a picture shown in fig. 15.....” (see col. 9 lines 38 – 55). Sakuma is evidence turning power on into one of two modes of operation i.e. a displaying a message mode and auto-tuning mode would have been well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gaughan based on the teachings of Sakuma to include turning on an appliance to an TV mode of operation for the benefit of providing a user with a direct access to a mode of operation resulting in time savings to get to the desired mode.

Regarding claims 22 - 24, Gaughan has met the limitations in claims 22 - 24 in the rejections of claims 1-3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
12/22/05



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**